

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ADAM CLARK YOUNG,

Plaintiff,

vs.

CPT. DAN O’FALLON, MARK S.
INCH, NATE JOHNS, MCKENZIE
HANNAN, and BENEFIS HOSPITAL,

Defendants.

CV 18–74–GF–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on November 9, 2018, recommending Adam Clark Young’s claims regarding housing state prisoners with federal prisoners be dismissed, and Defendants Mark Inch, Benefis Hospital, and Nate Johns be dismissed. Judge Johnston further determined that Mr. Young had a reasonable opportunity to prevail on the merits on the remainder of his claims. (Doc. 10 at 15.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235

F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

1. IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 10) are ADOPTED IN FULL.

2. IT IS FURTHER ORDERED that Young's claims regarding housing state prisoners with federal prisoners are DISMISSED.

3. IT IS FURTHER ORDERED that Defendants Mark Inch, Benefis Hospital, and Nate Johns are DISMISSED.

4. IT IS FURTHER ORDERED that Young has demonstrated a reasonable opportunity to prevail on the merits of his remaining claims, and Defendants O'Fallon and Hannon are required to respond.

DATED this 4th day of December, 2018.



Brian Morris
United States District Court Judge